

Application, Serial No. 10/763,015
Response to the Office Action of April 10, 2008

REMARKS

Claims 1-7 are pending in the present application. Claims 8-12 have been cancelled by way of a previous amendment. Claims 13-20 are cancelled by way of this amendment without prejudice to re-introducing the cancelled claims in a related application.

The Examiner has rejected claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by US Patent Application Publication 2003/0147402 to Ould-Brahim (hereinafter "Ould-Brahim"). Claim 1 has been amended for clarity. The Applicant submits that the amendments to claim 1 render moot the rejection of claim 1 as anticipated by Ould-Brahim.

Claim 1 requires a switching fabric. The Examiner identifies VPXC 510 in FIG. 5 of Ould-Brahim as the claimed switching fabric. Furthermore, claim 1 requires "switching and routing elements". The Examiner indicates that FIG. 5 also includes switching and routing elements. It is not made explicit, but the Applicant assumes that the Examiner considers VPXC 512, VPXC 514 and VPXC 516 of FIG. 5 of Ould-Brahim to be the claimed switching elements and Virtual Routers, such as VR 520, VR 522, VR 524, VR 526, VR 528 and VR 530 of FIG. 5 of Ould-Brahim to be the claimed routing elements.

As amended, claim 1 requires that "at least one of said switching elements" be "connected to at least one of said routing elements by said switching fabric". A contrast between the apparatus of claim 1 of the present application and the apparatus of FIG. 5

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of Ould-Brahim may be more clearly drawn in review of FIG. 4 of the present application. In FIG. 4 of the present application, on one side of the switching fabric, one finds both switching elements 122 and routing elements 120. On the opposite side of the switching fabric, one also finds both switching elements 122 and routing elements 120. In contrast, in FIG. 5 of Ould-Brahim, on one side of the switching fabric (identified by the Examiner as VPXC 510), one finds only routing elements (i.e., Virtual Routers VR 520, VR 522, VR 524). On the opposite side of VPXC 510, one also finds only routing elements (i.e., Virtual Routers VR 526, VR 528 and VR 530). While FIG. 5 of Ould-Brahim may be considered to include switching elements and routing elements, the Applicant submits that such elements are not connected by a switching fabric. Instead, the switching elements are part of the switching fabric (identified by the Examiner as VPXC 510).

Advantageously, by connecting a switching element to a routing element through a switching fabric, the apparatus of claim 1 can achieve both cross-connect functionality and routing functionality.

Since Ould-Brahim does not disclose or suggest "at least one of said switching elements being connected to at least one of said routing elements by said switching fabric" as required by claim 1, as amended, the Applicant submits that Ould-Brahim may not be considered as anticipating claim 1, as amended, under 35 U.S.C. § 102(e). The Applicant respectfully requests that the Examiner remove the rejection of claim 1, and claims 2-7 dependent, either directly or indirectly, thereon, on that basis.

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The Examiner has rejected claim 13 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 has been cancelled.

The Examiner has rejected claims 13-20 under 35 U.S.C. § 103(a) as unpatentable over Ould-Brahim in view of figure 1, paragraph 0035-0041, of the admitted prior art of the instant application. Claims 13-20 have been cancelled.

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In view of the foregoing, the Applicant respectfully submits that claims 1-7 of the instant application are now in condition for allowance. Favorable reconsideration and allowance of claims 1-7 are respectfully requested.

Respectfully Submitted,



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